

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS, ( 3:11-MD-2244-K  
INC. PINNACLE HIP IMPLANT (   
PRODUCTS LIABILITY LITIGATION (   
( MDL Docket No.  
(   
(   
( APRIL 10, 2014

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This Document Relates to all Cases  
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TRANSCRIPT OF STATUS CONFERENCE

BEFORE THE HONORABLE ED KINKEADE

UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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**P R O C E E D I N G S**

THE SECURITY OFFICER: All rise and come to order.

United States District Court in and for the Northern District of Texas at Dallas is now in session, the Honorable United States District Judge Ed Kinkeade presiding.

God save the United States and this Honorable Court.

Please be seated.

THE COURT: Thank y' all.

This is the MDL case, in re: DePuy Orthopedics regarding Pinnacle hip implants products liability litigation. It's MDL docket number 3:11-MD-2244-K.

And this is a conference that met with the -- both plaintiffs and defendants and the representative attorneys. I'm going to let them make a report today on anything that they would like.

And so I understand, Mr. Arsenault, you're going to do that on behalf of the plaintiff.

Is that correct, sir?

MR. ARSENAULT: Yes, Your Honor.

THE COURT: All right. This is Mr. Richard Arsenault.

And, Mr. Beisner, are you going to do it on behalf of the defense?

MR. BEISNER: Yes. If there's anything to add, I would, Your Honor.

1 THE COURT: Thank you very much.

2 MR. ARSENAULT: Good afternoon, Your Honor.

3 Very quickly, there are now currently pending before Your  
4 Honor some 6,000 cases. Discovery is moving on track for the  
5 full trial schedule. There are currently approximately 80  
6 depositions that have been taken. There are about 40  
7 scheduled to be taken between now and May 28th. Special  
8 Master Stanton continues to provide adult supervision in  
9 coordinating the -- the scheduling of the various --

10 THE COURT: Don't stretch the truth today,  
11 Mr. Arsenault, come on now.

12 (Laughter.)

13 MR. ARSENAULT: Necessary adult supervision.

14 THE COURT: Okay.

15 MR. ARSENAULT: Bottom line, the case is proceeding  
16 well, Your Honor, and everything is moving smoothly. And we  
17 anticipate moving forward with the bellwether trials Your  
18 Honor has put together for the fall. We hope they will be  
19 instructive to both the court and the parties. And we look  
20 forward to moving forward with them.

21 THE COURT: All right. And we've been talking about  
22 details about how I want to conduct the trials, and both sides  
23 have heard my discussions with regard to that on the  
24 bellwethers and that sort of thing, correct?

25 MR. ARSENAULT: Absolutely, Your Honor.

1 THE COURT: All right. Well, thanks very much.  
2 Appreciate it.

3 MR. ARSENAULT: Appreciate it.

4 THE COURT: Mr. Beisner.

5 MR. BEISNER: Your Honor, I have nothing to add to  
6 that.

7 I think Mr. Arsenault's report is complete and I believe  
8 we're in -- in full agreement.

9 THE COURT: All right. And y'all are all going to  
10 fly back this evening?

11 Is the weather out on the East Coast okay today? Planes  
12 are flying?

13 It's April. Or is it still snowing and ice over there?

14 MR. BEISNER: The flowers are blooming in  
15 Washington, Your Honor.

16 THE COURT: The flowers are blooming.

17 MR. BEISNER: Hopefully, that means the weather is  
18 fine.

19 THE COURT: The cherry blossoms aren't out yet,  
20 right?

21 MR. BEISNER: Well, the tourists have all arrived,  
22 so let's hope that the cherry blossoms are coming out.

23 THE COURT: Okay. I have been there during that  
24 time. It's a beautiful time. And so that's wonderful.

25 Well, listen, I appreciate it. And the courtroom is full

1 of lawyers on both sides that are hard at work. In fact, I  
2 had the opportunity to meet a couple of the lawyers for the  
3 defense that I hadn't met before that are the litigators, glad  
4 to meet them.

5 And so that's good.

6 And glad to have all the plaintiffs bar back again. And  
7 just look forward -- Mr. Harrison, I didn't see you today.

8 Always good to have you.

9 MR. HARRISON: Good afternoon.

10 THE COURT: The roads are open to Waco.

11 MR. HARRISON: Yes, sir. I trust that you're going  
12 to find a way to have a hearing on this or at least a  
13 conference on August 31st?

14 THE COURT: Is that our opening day?

15 MR. HARRISON: That is our opening day.

16 THE COURT: In that wonderful facility being built  
17 right there on -- or as they would say on the Brazos or  
18 whatever they say in Yankeeland.

19 Well, good. Good. Good. I'm glad. I will -- I will  
20 that I can that under advisement and try to work on that,  
21 Mr. Harrison. Good to see you.

22 And you drove all the way up I-35, didn't you?

23 Thank you, sir. Appreciate you being here.

24 You may notice I'm giving them a hard time, the last time  
25 the weather was so bad on the East Coast that a lot of lawyers

1 on both sides weren't able to come so I've teased them about  
2 that. But they're all doing a great job.

3 Thank y'all for working hard. And I'm sure you'll be  
4 getting with Judge Stanton on a lot of these continuing  
5 discovery issues, and I appreciate it. Y'all have worked well  
6 together, and thank y'all very much.

7 Glad to see y'all again. Thank y'all very much.

8 This concludes our hearing. Thank y'all.

9 THE SECURITY OFFICER: All rise.

10 (End of proceedings.)

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<p>&lt; Dates &gt;  APRIL 10, 2014  1: 10  August 31st 6: 13  May 28th 4: 7  May, 2014. 9: 11</p> <p>&lt; 1 &gt;  11-MD-2244-K  1: 4, 3: 11  1100 2: 12  1190 1: 29  1440 1: 40  1525 2: 12</p> <p>&lt; 2 &gt;  20005-2111 1: 41  202-371-7209  1: 42  214. 662. 1557  2: 14  2200 1: 28</p> <p>&lt; 3 &gt;  318/487-9874  1: 31  3: 1: 4, 3: 11</p> <p>&lt; 4 &gt;  40 4: 6  4350 2: 5</p> <p>&lt; 6 &gt;  6, 000 4: 4</p> <p>&lt; 7 &gt;  71309-1190 1: 30  75001 2: 6  75242 2: 13  7th 9: 11</p> <p>&lt; 8 &gt;  80 4: 5</p>	<p>&lt; 9 &gt;  972/233-2300 2: 7</p> <p>&lt; A &gt;  able 7: 1  Absolutely 4: 25  add 3: 24, 5: 5  Addison 2: 6  adult 4: 8, 4: 13  advisement 6: 20  afternoon 4: 2,  6: 9  agreement 5: 8  Alexandria 1: 30  anticipate 4: 17  Appreciate 5: 2,  5: 3, 5: 25, 6: 23,  7: 5  approximately  4: 5  April 5: 13  Arps 1: 39  arrived 5: 21  Arsenault 1: 26,  1: 27, 3: 16,  3: 19, 3: 21, 4: 2,  4: 11, 4: 13,  4: 15, 4: 25, 5: 3,  5: 7  attorneys 3: 13  Ave 1: 40</p> <p>&lt; B &gt;  back 5: 10, 6: 6  bad 6: 25  bar 6: 6  Beard 1: 27  beautiful 5: 24  behalf 3: 17,  3: 22  BEISNER 1: 38,  3: 22, 3: 24, 5: 4,  5: 5, 5: 14, 5: 17,  5: 21  believe 5: 7  bellwether 4: 17</p>	<p>bellwethers 4: 24  Bel tway 2: 5  blooming 5: 14,  5: 16  blossoms 5: 19,  5: 22  Bonaventure 1: 28  Bottom 4: 15  Box 1: 29  Brazos 6: 17  built 6: 16</p> <p>&lt; C &gt;  case 3: 9, 4: 15  Cases 1: 14, 4: 4  certify 9: 3, 9: 7  cherry 5: 19,  5: 22  Coast 5: 11, 6: 25  coming 5: 22  Commerce 2: 12  complete 5: 7  comply 9: 7  computer 2: 18  concludes 7: 8  conduct 4: 22  Conference 1: 17,  3: 12, 6: 13, 9: 8  continues 4: 8  continuing 7: 4  coordinating 4: 9  correct 3: 18,  4: 24  couple 6: 2  Court 1: 1, 1: 28,  2: 11, 3: 3, 3: 6,  3: 8, 3: 20, 4: 1,  4: 10, 4: 14,  4: 19, 4: 21, 5: 1,  5: 4, 5: 9, 5: 16,  5: 19, 5: 23,  6: 10, 6: 14,  6: 16, 9: 8, 9: 19  courtroom 5: 25  CRR 2: 11, 9: 18  CSR 9: 3  currently 4: 3,  4: 5</p>	<p>&lt; D &gt;  Dallas 1: 3,  2: 13, 3: 4, 9: 21  day 6: 14, 6: 15,  9: 11  DC 1: 41  DEFENDANTS 1: 38,  3: 13  defense 3: 23,  6: 3  depositions 4: 6  Depuy 1: 4, 3: 9  details 4: 22  Discovery 4: 4,  7: 5  discussions 4: 23  District 1: 1,  1: 2, 1: 19, 3: 3,  3: 4, 3: 5, 9: 20  Division 1: 3,  9: 21  Docket 1: 7, 3: 11  Document 1: 14  doing 7: 2  Drive 2: 5  drove 6: 22  during 5: 23</p> <p>&lt; E &gt;  East 5: 11, 6: 25  Ed 1: 18, 3: 5  Email 2: 8  End 7: 10  entitled 9: 5  evening 5: 10  everything 4: 16</p> <p>&lt; F &gt;  facility 6: 16  fact 6: 1  fall 4: 18  fees 9: 7  find 6: 12  fine 5: 18  Firm 2: 4  Flom 1: 39  flowers 5: 14,</p>
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C E R T I F I C A T I O N

I, PAMELA J. WILSON, CSR, certify that the foregoing is a transcript from the record of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

This the 7th day of May, 2014.

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S/PAMELA J. WILSON  
PAMELA J. WILSON, RMR, CRR  
Official Court Reporter  
The Northern District of Texas  
Dallas Division